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PATENT
Atty. Docket No. BSC-008DV (1002/16)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Daniels et al.

SERIAL NUMBER: Not Yet Assigned ART UNIT: Not Yet Assigned

FILING DATE: August 10, 2001 EXAMINER: Not Yet Assigned

TITLE: Diagnosing and Performing Interventional Procedures on Tissue
in Vivo

Assistant Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Prior to examination, please enter this Preliminary Amendment and consider the accompanying remarks. In accordance with 37 C.F.R. § 1.121(b)(2)(iii), a marked up version of the amendment is attached at the end of this Preliminary Amendment.

In the Specification:

On page 1, after the title, “Diagnosing and Performing Interventional Procedures on Tissue in Vivo,” please insert the following paragraph:

Cross-Reference to Related Applications

This application is a divisional of U.S. Patent Application Serial No. 08/679,425, filed July 8, 1996, the disclosure of which is hereby incorporated herein by reference in its entirety.

On page 17, please replace the abstract with the following:

The invention relates to an assembly for imaging and performing interventional procedures on tissue and methods for performing the interventional procedures. The assembly

includes an endoscope in combination with an endoscopically insertable catheter having an ultrasound imaging device for imaging a tissue structure located at a distal end of the endoscope and an endoscopically insertable interventional device for engaging the tissue structure imaged by the ultrasound imaging device. The assembly may also include optical fibers extending through the catheter shaft for transmitting light to tissue located at a distal end of the catheter and conveying light back from the tissue for analysis.

In the Claims:

Please cancel claims 1-35, without prejudice. Please add new claims 52-55, as follows.

52. (New) An assembly comprising:

- an endoscope;
- an elongated catheter shaft constructed to be inserted through a first working channel of the endoscope;
- an ultrasound imaging device disposed at a distal end of the elongated catheter shaft;

and

- an interventional device constructed to be inserted through a second working channel of the endoscope and for engaging tissue imaged by the ultrasound imaging device.

53. (New) The assembly of claim 52 further comprising:

- a first optical fiber extending through the catheter shaft for transmitting light to tissue located at the distal end of the elongated catheter shaft; and
- a second optical fiber extending through the catheter shaft for conveying light back from the tissue.

54. (New) The assembly of claim 52, wherein the interventional device is selected from the group consisting of a scalpel, forceps jaws, a snare, scissors, and a needle.

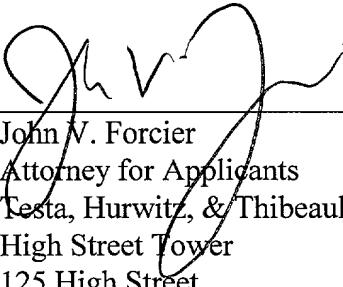
55. (New) The assembly of claim 52, wherein the interventional device is disposed at a distal end of a second elongated catheter shaft contracted to be inserted through a working channel of the endoscope.

REMARKS

This Preliminary Amendment is being submitted to claim priority to application serial no. 08/679,425, which is allowed, and to cancel claims 1-35. Applicants hereby add claims 52-55. The claims are fully supported at least at page 7, line 26, to page 8, line 24, and FIGS. 11 and 12. The abstract is hereby amended to conform to 37 C.F.R. § 1.72(b). No new matter is being introduced thereby. Claims 36-55 are currently pending and presented for examination.

Applicants respectfully request entry of this amendment prior to examination of the application on the merits.

Respectfully submitted,



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MARKED UP VERSION OF SPECIFICATION SHOWING AMENDMENTS

The invention relates to an A catheter for diagnosing and performing an interventional procedure on tissue has an elongated catheter shaft, and optical fibers, extending through the catheter shaft, for transmitting light to tissue located at a distal end of the catheter and conveying light back from the tissue for analysis by a spectroscopic diagnosis system to determine whether an interventional procedure should be performed on the tissue. An interventional device is located at the distal end of the catheter for engaging tissue diagnosed by the spectroscopic diagnosis system in order to perform the interventional procedure on the tissue. An assembly for imaging and performing an interventional procedures on tissue and methods for performing the interventional procedures. The assembly includes has an endoscope in combination with an endoscopically insertable catheter having an ultrasound imaging device for imaging a tissue structure located at a distal end of the endoscope so as to enable the depth of penetration of the tissue structure to be displayed, and an endoscopically insertable interventional device for engaging the tissue structure imaged by the ultrasound imaging device. The assembly may also include optical fibers extending through the catheter shaft for transmitting light to tissue located at a distal end of the catheter and conveying light back from the tissue for analysis.

Both sides had won their battles, but the British had suffered more heavily.